

FILED

IOWA DISTRICT COURT, THIRD JUDICIAL DISTRICT

<p>PROCEDURES AND DIRECTIONS FOR THE CLERK CONCERNING EXPUNGEMENT OF DEFERRED JUDGMENTS DISCHARGED FROM PROBATION ON OR BEFORE JULY 1, 2012</p>	<p>*13 FEB -1 AIO :20 CLERK OF DISTRICT COURT WOODBURY COUNTY, IA Supervisory Order No. 2013-6 DESIGNE</p>
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Iowa House File 2379 (2012) amended Iowa Code Section 907.9 relating to the expungement of deferred judgments. Because of the sheer number of cases statewide affected by this amendment to the statute, the Iowa Judicial Council has determined that a uniform practice should be adopted by clerks of court to expunge these previously-discharged deferred judgments. This Order is necessary to provide for efficiency in the process and for uniformity across the state. The provisions of this Order only relate to those cases where an Order has not already been entered to discharge the defendant from the deferred judgment probation.

IT IS THEREFORE ORDERED that the clerk of court in each of the counties of this judicial district shall follow the following process and procedure to expunge deferred judgments that were discharged on or before July 1, 2012, by operation of law:

- I. The clerk shall show the probation is discharged and the deferred judgment expunged for all cases that meet all of the following criteria:
 - 1. For misdemeanors, the deferred judgment was granted on or before July 1, 2010; and for felonies, the deferred judgment was granted on or before July 1, 2007.

2. As of the date the clerk reviews the file, there is not a pending probation violation complaint, contempt action, or active warrant for the defendant's arrest arising out of the court on which the deferred judgment was granted.
3. If the defendant was placed on supervised probation, the supervision fee owed to the Department of Correctional Services or other probation agencies in your county has been paid.

II. For any cases that have met criterion Number 1 above but not criterion Number 2 or 3, the clerk shall submit the file to a judge for review. The judge shall determine if an Order discharging the defendant from probation and expunging the deferred judgment should be entered.

III. Any court debt owed pursuant to Iowa Code Section 602.8107 by the defendant in a case expunged by way of this Order shall be subject to collection by the CCU, County Attorney, or private collection agency authorized to do so by the State Court Administrator's Office.

Dated this 1st day of February, 2013.


 Duane E. Hoffmeyer, Chief Judge
 Third Judicial District of Iowa

CERTIFICATE OF SERVICE: The undersigned certifies that a true copy of this document was served on each person named below by electronic mail; or by enclosing this document in an envelope addressed to each named person at the respective addresses disclosed by the pleadings of record herein, with postage fully paid, by depositing the envelope in a United States depository; or hand-delivered via courthouse mail, as checked below. The date and manner of service can be verified with the clerk.

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